



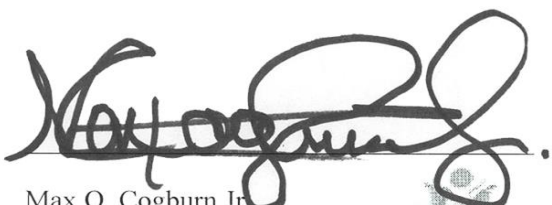
Defendant's other allegations appear to be contentions of deliberate indifference to medical needs while in federal custody. As such, defendant may be attempting to assert a Bivens type action as while he may be housed in a state-run facility, he has been in the custody of the United States Marshal. In one filing, defendant notes that on or about November 16, 2015, prison officials "withheld my medication from me and caused me to go into a diabetic coma." (#84, p.1). He goes on to opine that he was subjected to "repeated attempts to cause my death by way of starvation (at least 5 occasions) while simultaneously depriving me of my insulin injections for 4 days, which resulted in my severe weight loss and at least (3) diabetic comas." (#85, p.11). He claims that the weight loss was quite severe, writing that he was punished "by way of starving me of food and frequently depriving me of insulin medication for my diabetes, which caused numerous diabetic comas and severe weight loss of over 60 pounds of my body weight." (#85, p. 10).

To the extent defendant is attempting to assert a Bivens action, he is advised that he cannot do so in this criminal action. Defendant is advised that a Bivens action may be dependent on first raising his claims with the United States Marshal/Bureau of Prisons and exhausting administrative remedies.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that to the extent defendant seeks relief in his pro se filings (#84, #85), such relief is denied without prejudice.

Signed: November 10, 2016



Max O. Cogburn Jr.  
United States District Judge